

IN RE: PETITION FOR ZONING VARIANCE
W/S York Road, 166' N of the
C/L of Mt. Carmel Road
(17006 York Road)
7th Election District
3rd Councilmanic District
Stanley A. Cohn, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-63-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit front yard setbacks of 0 feet from the property line and 26.1 feet from the street centerline in lieu of the required 10 feet and 40 feet, respectively; a side yard setback of 30 feet in lieu of the required 50 feet; and 10 parking spaces in lieu of the required 16, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Mrs. Perline Wilkenson. The following individuals appeared as Protestants: Robert R. Miller and Harold F. Burton.

Testimony indicated that the subject property, known as 17006 York Road, is zoned B.L. and is improved with a two story brick dwelling which is currently used as an antique shop. Petitioners testified that they also own the adjacent property, known as 17004 York Road, which is currently used as a Veterinarian. Both buildings are located adjacent to residentially zoned property. Testimony indicated that the dwelling at 17006 York Road was constructed in the early 1800's and, like most dwellings constructed in those days, was constructed on the property line, as shown in Petitioner's Exhibit 1. As a result of a complaint filed against the property owners as to the retail use of the subject property and related parking problems, a citation was issued and the Petition for Variance

was filed to correct the violation. Testimony indicated that 10 parking spaces are currently provided in the rear of the property.

The Protestants complain that parking is taking place on both sides of York Road and in front of the antique shop in the right-of-way along York Road. They testified that the intersection of Mt. Carmel Road and York Road, which is located 150 feet south of the subject property, is the scene of numerous accidents due to the high speed of travel on York Road. The Protestants also testified fairly extensively against the requested variances being granted, if the Petitioners continued to exaggerate and exasperate the parking and traffic problems along York Road.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. It is equally clear, however, that a parking

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RE: PETITION FOR VARIANCE
W/S York Rd., 166' N C/L Mt.
Carmel Rd. (17006 York Rd.)
7th Election District;
3rd Councilmanic District
Stanley A. COHN, et ux,
Petitioners

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 89-63-A

ENTRY OF APPEARANCE

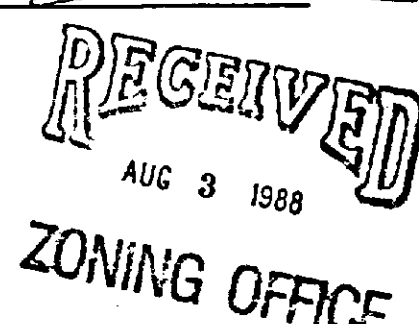
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 3rd day of August, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Stanley A. Cohn, 17004 York Rd., Parkton, MD 21120, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



JOHN DEW • REGISTERED LAND SURVEYOR • 16350 MATTHEWS RD., MONKTON, MD. 21111 • (301) 472-2800

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE TO ZONING
COHN PROPERTY, NO. 17006 YORK ROAD, SEVENTH ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the west side of York Road, Maryland Route No. 45, 66 feet wide, at a distance measured 166 feet northerly along said west side from the centerline of Mount Carmel Road, Maryland Route No. 137; thence leaving said York Road and binding on the southwest property line North 86 degrees 15 minutes West 198 feet to the RC-5 Zoning Line; thence binding on the property lines and on said RC-5 Zoning Line, the two following courses and distances:

- 1.) North 01 degrees 15 minutes West 74.25 feet, and
- 2.) South 86 degrees 15 minutes East 198 feet to the west side of said York Road; thence binding on the west side of said York Road South 01 degrees 15 minutes East 74.25 feet to the place of beginning.

Containing 0.31 Acres of Land, more or less.



problem does exist and creates an unsafe traffic pattern at this location. Further, pursuant to comments submitted by the State Highway Administration with regard to the entrance to the subject property, the present parking conditions and ingress and egress to the site must be modified in order to comply with State and County requirements. Therefore, the requested variances will be granted with restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested, as hereinafter modified, should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of October, 1988 that a variance to permit front yard setbacks of 0 feet from the property line and 26.1 feet from the street centerline in lieu of the required 10 feet and 40 feet, respectively; a side yard setback of 30 feet in lieu of the required 50 feet; and 12 parking spaces in lieu of the required 16, be and are hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) In accordance with State Highway Administration requirements, the entrance to the subject property from York Road at the north boundary of the property must be permanently closed and a permanent barrier erected to prevent ingress and egress to the site from this location.
- 3) Petitioners shall have three (3) "No Parking Signs" placed along York Road in front of the subject

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 232.1, 232.2b, 409.2b (1A04.3.B.3) 402.2.b to allow a front setback of 0 ft. from the property line and 26.1 ft. from the street centerline in lieu of the required 10 & 40 ft. respectively, to allow a side setback of 30 ft. in lieu of the required 50 ft. and to allow 10 parking spaces in lieu of the required 16 spaces. In lieu of the required 16 spaces of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Undue hardship since the properties size and location cannot be changed to comply with current regulation

Property is to be posted and advertised as prescribed by Zoning Regulations.

above Variance advertising, posting, etc., upon filing of this a be bound by the zoning regulations and restrictions of the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Stanley A. Cohn
(Type or Print Name)
Stanley A. Cohn
Signature
Karen P. Cohn
(Type or Print Name)
Karen P. Cohn
Signature

17004 York Road 301-343-0200
Address Phone No.
Parkton, Md. 21120
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

City and State
Attorney's Telephone No.:
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of September, 1988 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of September, 1988, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING (over)
ALL MON./TUES./WED. - NEXT TWO HOURS
OTHER
REVIEWED BY: J. Robert Haines DATE: 6-17-88

each and lettering shall be of an appropriate size and type to be easily legible by approaching traffic.

4) All access to the subject property will be by way of the entrance at 17004 York Road. Signs shall be posted to direct traffic to the rear parking lot area through the entrance to the Veterinary Center; and,

IT IS FURTHER ORDERED that a variance to permit 10 parking spaces in lieu of the required 16 be and is hereby DENIED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

September 30, 1988

Mr. & Mrs. Stanley A. Cohn
17004 York Road
Parkton, Maryland 21120

RE: PETITION FOR ZONING VARIANCE
W/S York Road, 166' N of the c/l of Mt. Carmel Road
(17006 York Road)
7th Election District - 3rd Councilmanic District
Stanley A. Cohn - Petitioners
Case No. 89-63-A

Dear Mr. & Mrs. Cohn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mrs. Perline Wilkenson
P.O. Box 505
Sparks, Maryland 21152

Mr. Robert R. Miller
17009 York Road, Monkton, Md. 21111

Mr. Harold F. Burton
2105 Dalewood Court, Lutherville, Md. 21093

People's Counsel

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 22A Date of Posting: August 22, 1988
Posted for: Haines
Petitioner: Stanley A. Cohn, et ux
Location of property: 166 N. of the S.E. of Mt. Carmel Road (17006 York Road)
Location of Sign: Chd. front of 17006 York Road
Remarks: As per
Posted by: As per Date of return: September 2, 1988
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 17, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 17, 1988.

TOWSON TIMES,

Publisher

\$41.25

S. Zeke Orlem

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., August 18, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 18, 1988.

THE JEFFERSONIAN,

Publisher

\$63.00

PO# 02738
Reg# 111110

S. Zeke Orlem

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

Mr. & Mrs. Stanley A. Cohn
17004 York Road
Parkton, Maryland 21120

Re: Petition for Zoning Variance
CASE NUMBER: 89-63-A
US York Road, 166' N c/l Mt. Carmel Road
(17006 York Road)
7th Election District - 3rd Councilmanic
Petitioner(s): Stanley A. Cohn, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 14, 1988 at 10:30 a.m.

Dear Mr. & Mrs. Cohn:

Please be advised that \$120.05 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059111

DATE: 9/14/88 ACCOUNT: 9114188

AMOUNT: \$ 120.05

RECEIVED: Stanley A. Cohn

FOR: 9114188

8 8046*****

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 18, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-63-A
US York Road, 166' N c/l Mt. Carmel Road
(17006 York Road)
7th Election District - 3rd Councilmanic
Petitioner(s): Stanley A. Cohn, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 14, 1988 at 10:30 a.m.

Variance to allow a front setback of 0 ft. from the property line and 26.1 ft. from the street centerline in lieu of the required 10 and 40 ft. respectively and to allow a side setback of 30 ft. in lieu of the required 50 ft. and to allow 10 parking spaces in lieu of the required 16.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Stanley A. Cohn, et ux
Mr. Robert Miller
Mrs. Marlene Wilkerson
File

89-63-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
22th day of June, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Stanley A. Cohn, et ux
Petitioner's Attorney: James P. Dyer
Received by: James P. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Stanley A. Cohn, et ux

Location: US York Rd, 166 N of centerline of Mt. Carmel Rd. (17006 York Rd.)

Item No.: 456 Zoning Agenda: Meeting of June 28, 1988

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Joseph Kelly Noted and Approved: John E. O'Neil
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 1, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Stanley A. Cohn
17004 York Road
Parkton, Maryland 21120

RE: Item No. 456 - Case No. 89-63-A
Petitioner: Stanley A. Cohn, et ux
Petition for Zoning Variance

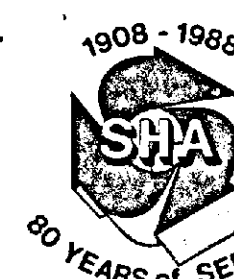
Dear Mr. & Mrs. Cohn:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James P. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

July 12, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Cohn Property
Zoning meeting 6/28/88
W/S York Road
Maryland Route 45
166' north of the
centerline of
Mt. Carmel Road
Item #456

Dear Mr. Haines:

After reviewing the submittal to allow various setbacks and 10 parking spaces in lieu of the required 16, we have the following comments.

The existing tar and chip driveway at the northern property line must be closed with a permanent barrier therefore, all access to this site will be by way of the entrance at 17004 York Road.

If you have any questions, call Larry Brocato of this office (333-1350).

Very truly yours,

James J. Mills, Jr.
James J. Mills, Jr.
Chief Bureau of Engineering
Access Permits

LB/es

cc: John Dew
J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

